

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13435 of John G. Carleton, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.47 to use all floors of the subject premises as a private Social Service Center or Halfway House in an R-4 District at the premises 414 R Street, N.W., (Square E-509, Lot 81).

HEARING DATES: April 15, 1981 and June 11, 1981
DECISION DATE: July 1, 1981

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of New Jersey Avenue and R Street and is known as premises 414 R Street, N.W. It is in an R-4 District.
2. The subject site has a frontage of 96.67 feet on R Street, an 11.01 depth on a ten foot public alley to the east and a depth of 26.90 feet on New Jersey Avenue to the west. The site is improved with a rowhouse structure of three stories and a basement. The structure covers almost the entire lot on which it is located. No off-street parking is available on the site.
3. The subject rowhouse structure is presently divided into four two-bedroom apartments, including one in the basement, plus two three-bedroom apartments and common spaces including a large kitchen, dining room, basement room, storage room and administrative office space.
4. A Certificate of Occupancy, No. B-91410, dated May 15, 1975 was issued for the use of the structure as a Social Service Center, government sponsored, all floors and basement.
5. The structure is currently occupied by the applicant's tenant, "Reach Out and Touch Evangelizing Ministries, Inc." It is proposed that the existing structure will be converted into a Christian Social Service Center, in order to provide transitional living for people who want to change their lives, come off the streets, receive spiritual counseling, and obtain improved food, clothing and cleanliness. Services and tenancy would be transitional rather than permanent, until jobs can be obtained and/or permanent housing made available. The subject tenant is a non-denominational religious organization, incorporated in the District of Columbia since March, 1979. It receives no government funding. It subsists on voluntary contributions and contributions from churches.

6. The subject site will be known as The First John 4 House. In total the structure provides some thirty rooms, six bathrooms and two kitchens. In addition there is a separate apartment for the night supervisory staff with all facilities. The daily schedule of activities provides that between 5:00 p.m. to 6:30 p.m. there will be a registration for those clients who will sleep overnight at the site. There are facilities to accommodate between forty and fifty persons. Between 6:30 p.m. and 7:00 p.m. there is shower time and the distribution of clean clothes. Dinner time occurs between 7:00 p.m. and 7:45 p.m. A sing-along session and counselling for special needs occur from 8:00 through 8:30 p.m. Chapel service is provided between 8:30 and 9:30 p.m. Bedtime is 9:30 p.m. Lights are put out at 10:00 p.m. Wake-up time is at 6:00 a.m. A continental breakfast is scheduled between 6:45 and 7:30 a.m. Between 7:30 and 8:15 a.m. chapel service is provided. After the chapel service the clients may sign up for counselling services held at 10:00 a.m. and 11:00 a.m. by appointment. At the counselling services, placement and referral services are made. Those clients who do not seek counselling services must be off the site at 10:00 a.m. At noon, all clients are off the site. No client can return to the shelter for a period of more than two months. Most clients are serviced in two or three days. If a client cannot be accommodated at the shelter, he is referred elsewhere for services. The applicant testified that there will be no loitering or queuing upon the surrounding streets for the night services since in the basement of the building there is a large reception room where those who are seeking night shelter may wait. There will be no queuing up for the 10:00 a.m. or 11:00 a.m. conferences since these are by appointment. If a client arrives during the "closed hours", he may be referred elsewhere.

7. There are House Rules comprising twenty in number which are posted in all rooms.

8. The Reach Out and Touch Evangelizing Ministries, Inc. has many ministries at different locations. Such ministries include Bible study, hospital, elderly, gospel film, prayer, jail, correspondence, street, tender touch, tract and community.

9. The Reach Out and Touch Evangelizing Ministries, Inc. has a Board of Directors comprising five members. It has an Advisory Board consisting of three churches. The volunteer staff consists of twenty in number who are associated with thirteen churches.

10. Mrs. Evelyn Williams, director of the Ministries, testified that she was unable to state exactly how many volunteers would be needed for the subject shelter. It would depend on the number of clients. The applicant submitted to the record the resumes of at least five volunteers. Minister Williams would be the director of the shelter and Mr. Van Horn her assistant. There will be staff present also during the night hours who will occupy one of the apartments. The applicant testified that the D.C. Police Department had been advised of the proposed use of the site. One policeman

has volunteered to be part of the security force.

11. Mr. Williams testified that renovations have been made to part of the building with the owner's consent and that permits have been obtained where required. No structural changes have been made to the building. The applicant proposes to landscape the grounds. The outside grounds will be cleaned twice a day. There is a large trash can to hold trash and debris.

12. The evening meal is the one meal served. Food is donated and stored on the site. There will be no delivery trucks.

13. The applicant testified that the clients will come from the neighborhood. The potential clients are already in the neighborhood and will not be coming from the outside neighborhoods of Washington, D.C. The emphasis for the night clients is on males. There will be no discrimination. Clients may be alcoholics, drug users, prostitutes and derelicts. The applicant testified that the shelter is a social service center and not a half-way house. No prisoners will be sheltered at the site. No patients will be discharged from a hospital to the subject site. The clients are known as street people in that they have no fixed place of abode.

14. Currently, the site could be used as a matter-of-right as a rooming house or boarding house limited to fifteen occupants. The operator of the facility does not desire this use because such roomers would be obliged to pay for services. The prospective clients will not have such funds.

15. The Office of Planning and Development, by report dated February 13, 1981, recommended that the application be denied on the grounds that the proposed facility is likely to adversely impact the area. The OPD offered the following comments and recommendations. First, the applicant is proposing necessary alterations to the building. Second, the applicant anticipates that, with proper management, up to one hundred persons can be helped on the premises at one time. While OPD supports the general need in the city for social service centers, the scale of activity proposed appears to represent extreme overcrowding of the subject rowhouse structure. While the size of the building, although larger than adjacent row houses, is not "out of scale and character with the immediate neighborhood," the proposed level of activity presents potential problems. One hundred people arriving and leaving at various times of the day and evening represents a potential negative impact of serious proportions. It is not at all clear that one hundred people can be reasonably helped in a building of this size, presenting problems for both the people to be assisted and neighbors. Third, there are no specific plans as to the number of staff persons, specific services to be provided, or how the interior layout would be designed to accommodate so many persons. In the judgment of OPD, the foregoing findings conflict with the intent of Sub-paragraphs 3104.471 and 3101.472. The Board notes that the OPD report was given at the first public hearing of the subject application. The applicant's

plans have been further formalized since that public hearing. The anticipated number of clients is between forty and fifty. There will be no structural alterations to the building and the applicant has submitted a schedule of the hours of the daily activities. In view of these facts the Board does not find the OPD recommendation to be persuasive.

16. Six witnesses appeared at the public hearing in favor of the application, one of whom was an adjacent property owner, a volunteer who would be working at the shelter, and a priest who has been a volunteer with the Neighborhood Development Center for seven years. The latter witness testified to the need in the District of Columbia for the proposed use and the skill and expertise of Director Williams. The other witnesses, including a "street person", also testified to the need for such services. In addition, petitions of some 125 signatures were submitted to the record as in favor of the application. There were letters of record in favor of the application from the Homeless Coalition of the Interfaith Conference, the Central Union Mission, Inc., the Shiloh Baptist Church of Washington and the Bates Area Civic Association. Attached to the letter of the Bates Area Civic Association was a petition of some fifty-two signatures signed by persons living between North Capitol and 3rd Streets, N.W. and between P and Q Streets, N.W. including Bates Street.

17. Thirteen witnesses appeared at the public hearing in opposition to the application. They represented residents of the neighborhood, Advisory Neighborhood Commission 5C, Advisory Neighborhood Commission 2C, the Center City Community Corp., and the Shaw Project Area Committee. A petition of some one hundred signatures in opposition was submitted to the record. There was also a letter from Councilman John A. Wilson in opposition.

18. Advisory Neighborhood Commission 5C, by letter of June 17, 1981, recommended that the application be denied. It reported that it supported the recommendations of Single Member District 5C-03 in its opposition on the grounds that; (a) A majority of the people living in the immediate area were opposed to the establishment of a halfway house or social service center. (b) The community was opposed to a change of zoning from R-4 to R-5. (c) The residents desire the area to remain residential; the lower Shaw area is in the redevelopment stage and the proposed use would impact and intrude on the community. (d) The proposed halfway house-social service center being near to the Dunbar High School, Armstrong High School and Scott Montgomery School will add additional crime in the area and be a bad influence on the students.

19. Other grounds of opposition were based on the following reasons: (a) The neighborhood is presently being upgraded and if the shelter were permitted, this would create a negative effect on the growth and stability of the revitalization. (b) The R-4 District is designed to stabilize a neighborhood of single family row dwellings within which there has been a substantial number of conversions into dwel-

lings of two or more families. (c) A halfway house is a potential danger to the neighborhood. (d) The Shaw community is clearly in an intense struggle to rid itself of large numbers of transients who contribute to the already high number of crimes committed against permanent residents. (e) The neighborhood now has two halfway houses, the N.W. Settlement House, the People's Involvement Corp., the House of Imogene and SOME House. (f) The applicant did not apprise nor involve the community in its plans. (g) The applicant does not have a formal plan of operation. (h) The applicant lacks staff of a professional skill to treat alcoholics and drug addicts. (i) The applicant does not have a formal security plan. (j) The applicant lacks a sufficient staff to enforce its agenda and house rules.

20. The Board is required by statute to give great weight to the issues and concerns of the ANC. In Addressing these issues and concerns, as well as those of the other opposition, the Board finds it incumbent to clarify certain issues. The present application is through a special exception which can be granted in an R-4 District if the Board finds the applicant has met the requirements of Paragraph 3104.47 of the Zoning Regulations. The present application does not concern itself with a change in zoning from R-4 to R-5. The present application is not concerned with persons who are prison inmates or were recently released from a prison or hospital. The Board finds the proposed use would have an adverse impact on a residential neighborhood because of the number of clients involved and the lack of organization plan in the application to meet such a large number. These reasons are more fully discussed below in the Board's conclusions. The Board is not convinced by the opposition's conclusionary statements, unsubstantiated by facts, that such clients as proposed herein would lead to further crime in the immediate area of the site. Also, the Board is not persuaded by the argument of the opposition that the relief should not be granted because the applicant did not sufficiently involve the community with its plans. The ANC and the community were put on notice by official notification by the BZA at least thirty days before the public hearing. Also, the fact that there are other social service centers and halfway houses in the neighborhood does not preclude another where such proposed services are distinct from the existing centers.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a special exception the granting of which requires proof that the applicant has complied with the requirements of Paragraph 3104.47 of the Zoning Regulations, and that under Sub-section 8207.2 the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations, and will not tend to affect adversely the use of neighboring property.

At the outset, the Board wishes to make it abundantly clear that it understands and supports the proposed use of the site as a great humanitarian endeavor. The Board in no manner doubts the sincerity and seriousness of the Director. However, the Board must decide the application based on the current Zoning Regulations.

The Board concludes that the applicant has not met the burden of proof in satisfying the requirements of Sub-paragraph 3104.47 and 3104.472. The Board notes that the structure is spacious and could very well accommodate forty to fifty clients for the night activities and the twenty clients anticipated to attend the morning counselling services. Having the physical facilities, however, is not sufficient. As brought out by the opposition, the current organization plan for managing the entrance and exit of at least eighty to ninety trips per day through a residential neighborhood by troubled or disturbed men leaves much to be desired. The Director states that her plan will work out but the facts disclose a lack of sufficiently professionally trained, by education or experience, staff or volunteers for so great an undertaking.

There is a serious concern for security which the applicant has not met. The site is located in a residential neighborhood containing elderly and middle aged persons and children. The Board perceives an extreme overcrowding of neighboring streets resulting in a negative impact on a community which is now in a process of revitalization. The Board concludes that the proposed use because of the great numbers of clients per day and the nature of the disabilities of the clients would be unduly objectionable to the neighboring properties.


The Board further concludes that although the physical size of the facility is not out of scale and character with the immediate neighborhood the proposed program is. Such an intense use of the subject structure is not in harmony with the general purpose and intent of the Zoning Regulations for an R-4 District.

The Board concludes that it has given the sufficient weight to the issues and concerns of the ANC. For all of the above reasons, the Board concludes that the application must be denied. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Charles R. Norris, Lindsley Williams and Connie Fortune to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 SEP 1981

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."